

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-9 and 11-22 are pending in this application. Claims 1-5, 9, 11-13, 15, and 19 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. patent 6,256,133 to Suzuki et al. (herein "Suzuki '133"). Claims 6-8 were rejected under 35 U.S.C. § 103(a) as unpatentable over Suzuki '133 in view of U.S. patent 6,445,483 to Takada et al. (herein "Takada"). Claims 14, 16-18, and 20-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Suzuki '133 in view of U.S. patent 5,205,022 to Ota et al. (herein "Ota").

Addressing the above-noted rejections, those rejections are traversed by the present response.

Initially, applicants note the claims are amended by the present response to make a minor clarification by now consistently referring to a "sub-scanning direction".

Applicants respectfully submit the basis for the outstanding rejection is misconstruing the teachings in Suzuki '133 relative to the claimed features. Specifically, independent claim 1 positively recites:

at least one lens surface of the lens surfaces of said two lenses is such that a shape in a ***sub-scanning direction*** thereof is a non-arc shape, and said at least one lens surface has a non-coaxial surface[.] [Emphasis Added].

The other independent claims recite similar features as in independent claim 1 noted above.

That feature is believed to clearly distinguish over the applied art.

According to the above-noted claimed feature, at least one lens has a non-arc shape in a sub-scanning direction, and that same lens surface has a non-coaxial shape. Thereby, the lens that has the non-coaxial shape in the claimed invention has a non-arc shape in the sub-scanning direction. Applicants respectfully submit the basis for the outstanding rejection is misconstruing the teachings in Suzuki '133 with respect to that feature.

With respect to the feature noted above the outstanding Office Action cites Suzuki at column 22, lines 17-22. At that portion Suzuki states:

The second surface and the third surface are “special surfaces”, the first surface and the fourth surface are “special surfaces in which the change of its sub-scanning curvature is non-symmetrical in its *main scanning direction* relative to the optical axis and such curvature change has one or more than one inflection point.” [Emphasis added].

From the above-noted disclosure Suzuki ‘133 appears to make it clear that the noted surface is non-symmetrical in its main scanning direction.

The claim limitation noted above is not directed to such a feature in Suzuki ‘133 directed to the main scanning direction. In contrast to Suzuki ‘133, the claimed feature noted above indicates that at least one of the lenses has a shape in a sub-scanning direction that is a non-arc shape. That same lens having the non-arc shape in the sub-scanning direction also has a non-coaxial surface. Suzuki ‘133 at the portion noted above does not disclose or suggest one lens with both such properties. As noted above the portion in Suzuki ‘133 cited in the Office Action refers to a non-symmetrical shape in a main scanning direction, which does not correspond to the claimed features.

Thereby, each of the claims is believed to distinguish over Suzuki ‘133 with respect to the rejections under 35 U.S.C. § 102 and § 103.

Further, with respect to the rejections under 35 U.S.C. § 103, applicants submit Suzuki ‘133 is not a valid reference to a rejection under 35 U.S.C. § 103.

First, applicants state on the record that the present application and U.S. patent 6,256,133 to Suzuki ‘133 were obligated to be commonly assigned at the time of the present invention.

As Suzuki ‘133 is only available under 35 U.S.C. § 102(e), and in view of the above statement that the present application and Suzuki ‘133 were obligated to be commonly assigned at the time of the present invention, Suzuki ‘133 is not available as a reference for a

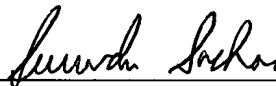
rejection under 35 U.S.C. § 103(a). Thereby, the rejections under 35 U.S.C. § 103 to further claims 6-8, 14, 16-18 and 20-22 are further traversed for that reason.

In view of the present response applicants respectfully submit the claims as written distinguish over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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